

Message Text

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ACTION SS-25

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TO SECSTATE WASHDC IMMEDIATE 8593

C O N F I D E N T I A L SECTION 1 OF 4 USUN 3173

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EXDIS

FOR/ D/LOS

FROM/ US LOS DEL

E.O. 11652: XGDS-3

TAGS: PLOS

SUBJ: LOS: PAPERS FOR VISIT OF SECRETARY: STATEMENT AND QUESTIONS/
ANSWERS FOR SECRETARY'S PRESS CONFERENCE

REF: STATE 196814

1. THERE FOLLOWS PROPOSED TEXT OF STATEMENT BY SECRETARY
FOR PRESS CONFERENCE WITH UN CORRESPONDENTS AND QUESTIONS/
ANSWERS.

2. BEGIN TEXT DRAFT STATEMENT. "FIRST LET ME SAY THAT I AM
NOT HERE TO MAKE SPEECHES AND I DO NOT HAVE A HATFULL OF NEW
PROPOSALS. I INTEND TODAY AND AT OTHER APPROPRIATE STAGES
IN THE CONFERENCE TO CONSULT WITH THE CONFERENCE LEADERSHIP
AND WITH OTHER DELEGATIONS TO SEE HOW WE MIGHT BEST RESOLVE
A FEW KEY ISSUES WHICH ARE CRITICAL TO THE SUCCESS OR FAIL-
URE OF THIS CONFERENCE.

" WHEN I SPOKE ON LAW OF THE SEA ISSUES IN NEW YORK LAST
APRIL, I SAID THAT THE UNITED STATES APPROACHES THIS
NEGOTIATION WITH THE CONVICTION THAT THE WORLD SIMPLY CANNOT
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AFFIRM TO FAIL. BY THAT I MEANT THAT THE ENTIRE COMMUNITY

OF NATIONS CANNOT AFFORD TO COME SO CLOSE AND YET REMAIN SO FAR FROM AGREEMENTS WHOSE IMPACT ON FUTURE GENERATIONS WE CANNOT FULLY ENVISION.

"DESPITE THE IMPATIENCE OF THE CRITICS OF THIS EFFORT, SIGNIFICANT PROGRESS HAS BEEN MADE, AND NOTABLY AT THE LAST SESSION, ON MANY KEY PROBLEMS. WITH A FEW BUT IMPORTANT EXCEPTIONS THE REVISED TEXTS ON COMMITTEES II AND III DO REPRESENT A BROAD CONSENSUS OF THE CONFERENCE AND I FRANKLY FIND THIS A QUIRE REMARKABLE AND HEARTENING ACHIEVEMENT. A BROAD REVIEW OF THE IMPORTANT ARTICLES ON DISPUTE SETTLEMENT PROCEDURES IS UNDERWAY AND I WOULD HOPE COULD BE SATISFACTORILY CONCLUDED AT THIS SESSION.

"IT IS ALWAYS MORE DRAMATIC TO FOCUS ON OUTSTANDING ISSUES THAN ON WHAT IS BASICALLY AGREED. BUT I THINK WE SHOULD CONSIDER THAT THIS CONFERENCE HAS, WITH A FEW EXCEPTION, JUST ABOUT REACHED AGREEMENT ON ALL THE TRADITIONAL QUESTIONS OF THE LAW OF THE SEA THAT HAVE ELUDED ALL EARLIER ATTEMPTS AT AGREEMENT. THE FUNDAMENTAL QUESTIONS OF THE BREADTH OF THE TERRITORIAL SEA, TRANSIT OF STRAITS, AND THE PRECISE LIMITS OF COASTAL STATE CONTROL OF FISHERIES AND MINERALS BEYOND THE TERRITORIAL SEA, ARE ALL BUT AGREED. SIGNIFICANT NEW LEGAL RIGHTS AND OBLIGATIONS TO PROTECT THE MARINE ENVIRONMENT THAT HAVE NEVER BEFORE BEEN IN A BINDING TREATY ARE NOW ALL BUT AGREED. PROVISION WILL BE MADE IN ADVANCE FOR DEALING WITH USES OF THE SEA THAT HAVE NOT YET EVEN OCCURRED. IT WOULD BE A CONSUMMATE ACT OF FOLLY FOR THE WORLD TO LET THIS UNIQUE OPPORTUNITY FOR A WIDELY AGREED TREATY SLIP THROUGH ITS HANDS. THOSE WHO ASSUME THE SUBSTANTIVE AGREEMENTS REACHED HERE AFTER YEARS OF NEGOTIATION WOULD LAST WITHOUT A TREATY ARE MAKING A SERIOUS ERROR.

"AFTER THE VERY DIFFICULT LABORS OF THE PAST TWO YEARS, AND EVEN BEFORE, WE HAVE ARRIVED AT WHAT CONFERENCE PRESIDENT AMERASINGHE QUITE PROPERLY CALLED A TIME BOTH CRITICAL AND CRUCIAL. AS YOU ARE WELL AWARE THERE HAVE BEEN AND REMAIN WIDE DIFFERENCES ON THE QUESTION OF DEEP SEABED MINING AND HOW BEST TO MAKE A REALITY OF THE CONCEPT OF THE COMMON HERITAGE OF MANKIND. THESE DIFFERENCES ARE IMPORTANT
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ONES. THEY ARE CRUCIAL AT THIS STAGE BECAUSE THEY REPRESENT THE CHIEF OBSTACLES TO AGREEMENT, AND HENCE TO THE RANGE OF BENEFITS THAT A COMPREHENSIVE TREATY COULD BRING TO THE ENTIRE COMMUNITY OF NATIONS.

"SPECIFICALLY THESE ISSUES HAVE TO DO WITH QUESTIONS OF THE SYSTEM OF ACCESS TO SEABED MINERALS FOR STATES AND PRIVATE COMPANIES, QUESTIONS OF FINANCIAL ARRANGEMENTS

BETWEEN CONTRACTORS AND THE SEABED AUTHORITY, AND QUESTIONS OF VOTING AND COMPOSITION OF THE COUNCIL.

"ON A DIFFERENT LEVEL HOWEVER, THESE ISSUES ARE INVOLVED IN A MUCH BROADER QUESTION AND ONE OF GREAT SIGNIFICANCE FOR THE FUTURE. SIMPLY STATED IT IS THE QUESTION OF WHETHER WE CAN PUT ASIDE DIFFERING IDEOLOGICAL PERCEPTIONS OF HOW THE WORLD OUGHT TO BE, AND TOGETHER FIND WAYS OF MAKING A NEW BEGINNING IN THE IMPERFECT WORLD WE LIVE IN. THIS TREATY IS NOT AN END BUT A BEGINNING. IT CAN CHART A SAFE COURSE OF ORDER AND JUSTICE IN THE OCEANS. IF CAN MARK A TURNING POINT IN THE ECONOMIC ARRANGEMENTS OF RICH NATIONS AND POOR NATIONS; ANOTHER STEP IN MANKIND'S REACH FOR A MORE JUST SOCIETY.

" WE HAVE THE TECHNOLOGY TO MASTER THE FORCES OF NATURE IN THE OCEANS. WE DO NOT YET KNOW WHETHER WE HAVE THE VISION AND THE WILL TO MASTER THE FORCES OF CIRCUMSTANCE AND POLITICS SO THAT FUTURE GENERATIONS WILL NOT FAULT US FOR AN OPPORTUNITY SO CLEARLY PRESENT AND CARELESSLY LOST.

"I HAVE DWELT ON COMMITTEE PROBLEMS BECAUSE THESE REMAIN AMONG THE MOST DIFFICULT. THERE ARE, IN OTHER COMMITTEES, IMPORTANT ISSUES SUCH AS THE STATUS OF THE ECONOMIC ZONE, MARINE SCIENTIFIC RESEARCH, AND DISPUTE SETTLEMENT WHICH WE MUST RESOLVE IN ORDER TO COMPLETE THIS WORK.

"I WOULD HOPE THAT WE COULD RESOLVE MOST OF THEM AT THIS SESSION, AND IN SO DOING CLEARLY DEMONSTRATE OUR DETERMINATION TO COMPLETE AND SIGN THIS TREATY IN THE FIRST HALF OF 1977.

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"I BELIEVE THAT THE EXCHANGE OF VIEWS WITH VARIOUS LEADERS OF THE CONFERENCE WILL BE USEFUL IN FINDING ACCEPTABLE ANSWERS TO EXTREMELY COMPLEX PROBLEMS. I HOPE THAT I CAN CONTRIBUTE TO PRACTICAL SOLUTIONS.

"THERE IS MANIFESTLY A GREAT DEAL OF IMPATIENCE IN THE UNITED STATES AND IN OTHER COUNTRIES WITH THE PROGRESS OF THIS CONFERENCE. WHILE MUCH OF IT IS PERHAPS UNJUSTIFIED GIVEN THE COMPLEXITY OF THE ISSUES, THE FACT REMAINS THAT THE TIME REMAINING TO US TO CHART THE COURSE OF FUTURE DEVELOPMENT OF THE OCEANS IS LIMITED. IN MY OPINION IT IS CLEARLY POSSIBLE TO REACH SOLUTIONS WHICH ARE BOTH ACCEPTABLE TO ALL AND FAIR TO ALL. I AM THEREFORE HOPEFUL THAT WE CAN SUMMON THE WILL AND THE VISION REQUIRED TO SOLVE THE ISSUES WHICH ALL OF US KNOW MUST BE SOLVED IF THIS EFFORT IS

TO SUCCEED." END DRAFT TEXT.

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ACTION SS-15

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C O N F I D E N T I A L SECTION 2 OF 4 USUN 3173

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3. EXPECTED QUESTION AND ANSWERS:

I. GENERAL:

1. Q: MR. SECRETARY, YOU SAID IN YOUR SPEECH IN APRIL THAT YOUR PROPOSALS WERE OFFERED SO THAT THE NEGOTIATIONS COULD LEAD TO A FINAL RESULT THIS YEAR. DO YOU ANTICIPATE A FINAL RESULT THIS YEAR WHICH I BELIEVE WAS ALSO ANTICIPATED FOR LAST YEAR?

A: WE HAVE ARRIVED AT THE STAGE WHERE THERE ARE A LIMITED NUMBER OF ISSUES THAT HAVE YET TO BE RESOLVED...ISSUES THAT REQUIRE POLITICAL DECISIONS BY GOVERNMENT. IF THOSE DECISIONS ARE MADE THEN, YES, I BELIEVE IT IS POSSIBLE TO CONCLUDE THE SUBSTANTIVE NEGOTIATIONS THIS YEAR OR EARLY NEXT YEAR AND TO ADHERE TO OUR TIME TABLE OF A TREATY SIGNING SESSION IN THE FIRST HALF OF 1977.

2. Q: MR. SECRETARY, THERE HAS BEEN A GREAT DEAL OF CRITICISM OF THE LEADERSHIP OF THE US DELEGATION AND CHARGES THAT YOU HAVE NOT TAKEN AN ACTIVE INTEREST IN THIS CONFERENCE?

A: SINCE I AM THE LEADER OF THE DELEGATION I AM UNLIKELY TO AGREE WITH THAT CRITICISM. THE FACT IS THAT I HAVE

PARTICIPATED IN THE POLICY PROCESS AND HAVE CONSULTED
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CLOSELY WITH AMB. LEARSON AND WITH OTHERS CONCERNED IN THE
US POLICY MAKING PROCES. WE HAVE A VERY ABLE AND EXPERIENCED
TEAM. I BELIEVE AS I HAVE SAID THAT WE HAVE NOW NARROWED THE
ISSUES TO SEVERAL CRITICAL ONES WHERE I BELIEVE I CAN
TAKE A CONSTRUCTIVE ROLE.

3. Q: JOHN NORTON MOORE IN RECENT CRITICISM OF US
OCEANS POLICY CLAIMS HE WAS UNABLE TO CONSULT WITH YOU
ADEQUATELY ON THIS SUBJECT?

A: ALMOST EVERYBODY HAS THAT COMPLAINT. I THINK WE
SHOULD ADDRESS OURSELVES TO THE PRACTICAL ISSUES
CONFRONTING THIS NEGOTIATION IN THIS STAGE OF THE
PROCEEDINGS.

4. Q: YOU HAVE SAID THAT YOU WILL PARTICIPATE IN AN
EFFORT TO RESOLVE REMAINING KEY ISSUES. DO YOU HAVE ANY
SPECIFIC PROPOSALS AND IF SO COULD YOU TELL US WHAT THEY ARE?

A: I THINK IT MORE APPROPRIATE TO EXPLORE POSSIBLE
AVENUES OF NARROWING DIFFERENCES AND THAT IS WHAT I AM
TRYING TO DO TODAY. FRANKLY I THINK THAT WE HAVE TAKEN A
VERY CONSTRUCTIVE ROLE IN THESE NEGOTIATIONS AND IT IS UP
TO EVERYBODY, NOT JUST THE UNITED STATES, TO REACH SOME
PRACTICAL AGREEMENTS ON THE ISSUES WHICH EVERYONE KNOWS ARE
THE BASIC ISSUES THAT MUST BE RESOLVED. AS FAR AS THE UNITED
STATES IS CONCERNED WE HAVE SOME FUNDAMENTAL INTERESTS
THAT MUST BE ACCOMMODATED IN AN ACCEPTABLE
TREATY. THAT IS ALSO TRUE OF OTHER COUNTRIES.
I DON'T THINK IT'S AN INSURMOUNTABLE PROBLEM.

5. Q: MR. SECRETARY, MR. CLEMENTS, DEPUTY SECRETARY OF
DEFENSE, WAS RECENTLY QUOTED AS SAYING THAT
THE US DELEGATION IS A COMPLETE MESS, LACKING
LEADERSHIP AND ESSENTIALLY FILLED WITH BUREAUCRATS
WHO HAVE MADE A CAREER OF TRAVELLING AROUND THE
WORLD TO ATTEND CONFERENCES. WOULD YOU COMMENT ON THAT?

A: I WOULD NOT PRESUME TO INTERPRET BILL CLEMENTS'
REMARKS. I THINK MANY OF YOU KNOW AMB. LEARSON. OUR
CHIEF COMMITTEE REPRESENTATIVES HAVE ALL PARTICIPATED
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IN THESE SESSIONS SINCE CARACAS AND BEFORE. YOU CAN MAKE YOUR OWN JUDGMENT. MINE IS THAT IT IS AN EXTRAORDINARILY ABLE TEAM AND THAT AMB. LEARSON'S TALENTS AS A NEGOTIATOR AND MANAGER HAVE BEEN PROVEN BY THE RESULTS OF THE LAST SESSION.

II. COMMITTEE I QUESTIONS AND ANSWERS (DEEP SEABEDS):

1. Q: WHAT ARE THE MAIN ISSUES YOU FEEL SHOULD BE RESOLVED AT THIS SESSION?

A: THE UNITED STATES IS NOT ENTIRELY SATISFIED WITH THE REVISED SNT TEXT. WE BELIEVE THAT ACCESS TO THE RESOURCES BY NATION STATES MUST BE ASSURED AND THE TEXT IS INADEQUATE IN THIS REGARD. EQUALLY IMPORTANT IS THAT THE PROVISIONS REGARDING THE ENTERPRISE BE CLEAR THAT IT WILL BE ABLE TO OPERATE IN PARALLEL WITH NATION STATE CONTRACTORS. ANOTHER IMPORTANT ISSUE REMAINING IN COMMITTEE I IS THE QUESTION OF COMPOSITION AND DECISION-MAKING PROCEDURES IN THE EXECUTIVE ORGAN OF THE SEABED AUTHORITY, THE COUNCIL. AS I SAID IN NEW YORK IN APRIL, WE PLAN TO MAKE A PROPOSAL ON THE COUNCIL -- ONE WHICH WILL EMPHASIZE THE NEED TO PROTECT THOSE WHO HAVE SIGNIFICANT ECONOMIC INTEREST IN SEABED MINING.

2. Q: CAN ALL THIS BE DONE IN THE NEXT FIVEN WEEKS?

A: IN SUBSTANCE, IT CAN, ALTHOUGH IT MAY TAKE SOME MORE TIME TO GET IT ALL WRITTEN DOWN IN TREATY FORM. WITH GOOD WILL AND AN IMPROVED NEGOTIATING CLIMATE, WE CAN REACH CERTAIN FUNDAMENTAL UNDERSTANDINGS WHICH WILL ALLOW US TO COMPLETE QUICKLY THE NEGOTIATING AND DRAFTING AND ENABLE US TO STAY WITH OUR TIME SCHEDULE OF HAVING A PACKAGE TREATY SIGNED BY MID-1977.

3. Q: WHY WON'T THE UNITED STATES AGREE TO THE GROUP OF 77 POSITION THAT THE ENTERPRISE HAVE EXCLUSIVE OPERATING RIGHTS? WOULDN'T U.S. COMPANIES GET ALL THE CONTRACTS ANYWAY?
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A: WE ARE LIVING IN AN AGE OF CONSCIOUSNESS CONCERNING RAW MATERIALS. THE WORLD'S POPULATION IS MAKING GREAT DEMANDS ON THE WORLD'S SUPPLY OF THESE RAW MATERIALS. POLITICAL FACTORS HAVE BEEN INSERTED INTO THE RAW MATERIALS DEBATE. WE BELIEVE WE AS A NATION--INDEED ALL

NATIONS--MUST HAVE A GUARANTEE OF ACCESS TO
THE RAW MATERIALS IN THE DEEP SEABED AND NOT SIMPLY
A PREDICTION THAT OUR COMPANIES WILL PROBABLY DO
ALL RIGHT.

4. Q: IS IT TRUE THAT YOU AND SECRETARY OF TREASURY
SIMON HAVE BEEN FEUDING OVER THESE ISSUES?

A: (AD LIB)

5. Q: WOULD THE US AGREE TO A TREATY FOR COMMITTEE II
MATTERS WHILE CONTINUING TO NEGOTIATE IN
COMMITTEE I?

A: THE CONFERENCE HAS DECIDED ON A PACKAGE APPROACH.
WE SUPPORT THE CONSENSUS. MOREOVER, WE THINK COMMITTEE
I CAN BE QUICKLY BROUGHT UP TO SPEED IF NATIONS ARE
WILLING TO NEGOTIATE SERIOUSLY AND THERE
IS NO REASON WHY A COMPLETE TREATY CANNOT BE ASSEMBLED FOR
SIGNING IN MID-1977.

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C O N F I D E N T I A L SECTION 3 OF 4 USUN 3173

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6. Q: WHEN WILL AMERICAN COMPANIES BEGIN MINING?

A: OUR EXPERTS TELL ME THAT, IF TECHNOLOGY
CONTINUES TO DEVELOP ALONG PRESENT LINES, FULL
SCALE COMMERCIAL MINING WILL BEGIN AROUND
1983. I SHOULD EMPHASIZE, HOWEVER, THAT A

TREATY SIGNED IN 1977 WILL ASSURE THE INVESTMENT CLIMATE FOR THE NECESSARY SCALE-UP DECISIONS FOR MINING IN 1983. THE MINER HAS TO KNOW WHAT HIS RIGHTS AND OBLIGATIONS WILL BE BEFORE HE MAKES A MAJOR INVESTMENT.

7. Q: IF THIS SESSION FAILS TO MAKE SIGNIFICANT PROGRESS WILL YOU SUPPORT OCEAN MINING LEGISLATION NOW PENDING IN CONGRESS?

A: THAT WILL DEPEND ON THE OUTCOME OF THE SESSION, AND THE PROSPECTS FOR CONCLUDING AN ACCEPTABLE TREATY BY MID-1977. EVERY NEGOTIATION HAS ITS UPS AND DOWN. BASIC POLICY DECISIONS CANNOT BE MADE IN REACTION TO ISOLATED EVENTS. OUR DECISION WILL BE BASED ON A CALM AND THOROUGH ANALYSIS OF OUR RAW MATERIALS NEEDS AND OTHER INTERESTS AND THE PROSPECTS FOR SATISFYING THEM AT THIS TIME IN A TREATY.

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8. Q: ARE YOU DISAPPOINTED THAT THIS SESSION SEEMS TO HAVE GONE BACK TO BASICS AFTER A VERY PRODUCTIVE SESSION IN THE SPRING?

A: YES; HOWEVER, I SHOULD NOTE THAT COMMITTEE I HAS ALWAYS BEEN CYCLICAL. THIS SESSION IS REACTING TO THE CONSIDERABLE PROGRESS AT THE LAST SESSION. I HOPE THAT BEFORE THE END OF THE SESSION, WE WILL START TO MOVE FORWARD AGAIN SO WE CAN FINISH THE WORK THAT HAS TO BE FINISHED BEFORE A TREATY IS SIGNED.

COMMITTEE II QUESTIONS AND ANSWERS (TERRITORIAL SEAS, STRAITS, ECONOMIC ZONE)

1. Q. MR. SECRETARY, SOME COUNTRIES HAVE PROPOSED THAT THE ECONOMIC ZONE BE NEITHER HIGH SEAS NOR TERRITORIAL SEA. ISN'T IT A FACT THAT THE ZONE IS SUI GENERIS. WHAT IS THE U.S. OBJECTION TO THIS FORMULA AND WHY DOES THE U.S. FEEL SO STRONGLY ON THE ISSUE?

A. THE U.S. HAS STRONGLY ADVOCATED THAT THE LEGAL STATUS OF THE ECONOMIC ZONE REMAIN HIGH SEAS WITHOUT PREJUDICE TO THE RESOURCE AND OTHER RIGHTS OF COASTAL STATES. THE BROAD GRANT OF COASTAL STATE AUTHORITY IN THE ZONE HAS THE POTENTIAL FOR EVOLVING OVER TIME INTO THE

FUNCTIONAL EQUIVALENT OF A TERRITORIAL SEA. THAT IS SURELY NOT IN THE INTERESTS OF THE INTERNATIONAL COMMUNITY. PRESERVING THE HIGH SEAS STATUS OF THE ZONE WOULD PROTECT THE INTEREST OF THE INTERNATIONAL COMMUNITY BUT WOULD NOT DEROGATE FROM THE RESOURCE AND OTHER RIGHTS OF THE COASTAL STATE.

2. Q. WHAT IS THE U.S. POSITION ON THE CLAIMS OF LAND-LOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES, WHICH HAVE BECOME A MAJOR CONFERENCE ISSUE?

A. THERE ARE TWO CATEGORIES OF ISSUES INHERENT IN THIS PROBLEM. THE FIRST RELATES TO THE QUESTION

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OF ACCESS FOR LAND-LOCKED STATES ACROSS THE TERRITORY OF NEIGHBORING COASTAL STATES TO THE SEA- TO SEAPORTS. THE SINGLE NEGOTIATING TEXT IN THIS AREA SEEMS TO OFFER A FRAMEWORK FOR ACCOMMODATING THE INTERESTS OF BOTH LAND-LOCKED AND "TRANSIT STATES". THE SECOND CATEGORY OF ISSUES RELATES TO THE QUESTION OF ACCESS TO THE LIVING AND NON-LIVING RESOURCES WHICH ARE OR WILL BE UNDER COASTAL STATE JURISDICTION. MANY STATES FEEL THAT EXTENSION OF COASTAL STATES RESOURCE JURISDICTION IS BEING MADE AT THE EXPENSE OF THE INTERNATIONAL COMMUNITY, PARTICULARLY THOSE STATES WITH NO COASTLINES OR VERY LIMITED COASTLINES. THE UNITED STATES BELIEVES THAT AN ACCOMMODATION OF THE INTERESTS OF BOTH SIDES CAN AND SHOULD BE ACHIEVED. WE ARE PREPARED TO ASSIST IN THIS EFFORT, THOUGH OF COURSE THE MOST DIRECTLY AFFECTED PARTIES MUST SHOULDER A MAJOR ROLE IN FINDING THE NECESSARY COMPROMISES.

3. Q. I UNDERSTAND THAT THE UNITED STATES PROPOSES SHARING SOME OF THE REVENUE TO BE DERIVED FROM OFFSHORE OIL EXPLOITATION. COULD YOU EXPLAIN THE U.S. POSITION ON THIS MATTER?

A. THE UNITED STATES SUPPORTS THE CONCEPT OF SHARING BY THE COASTAL STATE OF REVENUES DERIVED FROM HYDROCARBON EXPLOITATION OF AREAS OF THE CONTINENTAL MARGIN BEYOND 200 MILES. IN OUR VIEW, REVENUE SHARING IS A BASIC ELEMENT IN ACHIEVING AN OVERALL ACCOMMODATION ON THE IMPORTANT ISSUE OF THE CONTINENTAL MARGIN. THIS ACCOMMODATION ALSO INCLUDES ACCEPTANCE OF COASTAL STATE RESOURCE JURISDICTION OVER THE CONTINENTAL MARGIN OUT TO 200 MILES AND BEYOND

THAT TO PRECISELY DEFINED OUTER LIMITS WHERE
THE MARGIN EXTENDS BEYOND 200 MILES. WE ALSO
BELIEVE THAT IT WOULD BE DESIRABLE TO HAVE A
MECHANISM FOR INSURING REASONABLE APPLICATION
OF CRITERIA FOR DETERMINING THE OUTER LIMITS
OF THE MARGIN. REVENUE SHARING IN THIS PACKAGE
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WOULD BE ONE MEANS OF BALANCING THE INTEREST
OF LAND-LOCKED STATES AND THOSE STATES WITHOUT
EXTENSIVE CONTINENTAL MARGINS WITH THOSE OF
BROAD MARGIN STATES.

4. Q. THE EXISTING SINGLE NEGOTIATING TEXT INCLUDES
A PROVISION ON NON SELF-GOVERNING TERRITORIES
(THE TRANSITIONAL ARTICLE) WHICH, COULD LIMIT
OR DENY RIGHTS OVER MARINE RESOURCES TO SUCH
POLITICAL ENTITIES AS PUERTO RICO. WHAT IS YOUR
ATTITUDE TOWARD THIS ARTICLE?

A. THE LAW OF THE SEA NEGOTIATIONS, IN MY VIEW
ARE NOT AN APPROPRIATE FORUM FOR CONSIDERING ISSUES
RELATING TO NON-SELF GOVERNING TERRITORIES, INCLUDING
PROBLEMS OF AREAS UNDER COLONIAL
DOMINATION. THE DRAFT ARTICLE RAISES ISSUES
WHICH CANNOT BE RESOLVED IN THE LOS CONFERENCE.
IN ADDITION, DISCRIMINATION AGAINST PUERTO RICO
IS NOT ACCEPTABLE TO US. FOR THESE
REASONS, THE U.S. HAS PREPARED AND TABLED
AMENDMENTS TO THE ARTICLE WHICH WOULD REMOVE THIS
DISCRIMINATORY ASPECT AND WOULD NOT PREJUDGE
ESSENTIALLY POLITICAL ISSUES.

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C O N F I D E N T I A L SECTION 4 OF 4 USUN 3173

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EXDIS

FOR: D/LOS

FROM: US LOS DEL

IV. COMMITTEE III SCIENTIFIC RESEARCH AND POLLUTION
QUESTIONS AND ANSWERS:

1. Q. MR. SECRETARY, YOUR DELEGATION HAS INDICATED
THAT THE REVISED TEXT ON SCIENTIFIC RESEARCH
IS UNACCEPTABLE. WHAT ARE YOUR PROBLEMS WITH IT?

A. WE MUST ELIMINATE THE REQUIREMENT FOR COASTAL
STATE CONSENT FOR ALL SCIENTIFIC RESEARCH IN
THE ECONOMIC ZONE, AND RESTRICT THE REQUIREMENT
FOR COASTAL STATE CONSENT TO A FEW CLEARLY
SPECIFIED CATEGORIES. THOSE CATEGORIES COULD
INCLUDE SCIENTIFIC RESEARCH DIRECTED AT RESOURCE
EXPLORATION AND EXPLOITATION, RESEARCH USING
DRILLING, AND RESEARCH USING ARTIFICIAL ISLANDS.
I SEE NO LEGITIMATE NEED TO GO BEYOND THOSE
CATEGORIES. THERE ARE OTHER CHANGES WHICH
WOULD BE HELPFUL BUT THIS IS THE MOST SERIOUS
PROBLEM WITH THE TEXT.

2. Q. MR. SECRETARY, THERE ARE MANY IN THE CONFERENCE
WHO FEEL THIS ISSUE TO BE OF LESSER IMPORTANCE
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THAN THE MAJOR COMMITTEE I AND COMMITTEE II
PROBLEMS. IT IS IMPORTANT TO THE UNITED
STATES?

A. YES, IT IS. I SEE THIS AS A PROBLEM OF FIRST-
ORDER IMPORTANCE. SCIENTIFIC RESEARCH PROVIDES
THE HOPES FOR THE FUTURE OF THE PLANET. THE
REVISED TEXT WOULD CRIPPLE SCIENTIFIC RESEARCH
AND SERIOUSLY AFFECT THE FUTURE FOR ALL OF US.
IT SYMBOLIZES A FEAR OF KNOWLEDGE AND THE
UNKNOWN THAT IS INCOMPATIBLE WITH THE BASIC
IDEA OF HUMAN PROGRESS.

3. Q. MR. SECRETARY, WE UNDERSTAND THAT THE AMERICAN SCIENTIFIC COMMUNITY IS STRONGLY OPPOSED TO THE REVISED TEXT AND HAS SAID IT WILL OPPOSE RATIFICATION OF THE TREATY. WOULD THAT ENDANGER U.S. RATIFICATION OF THE TREATY?

A. THE SCIENTIFIC COMMUNITY IS EXTREMELY UNHAPPY WITH THE TEXT AND I UNDERSTAND THEY WOULD OPPOSE RATIFICATION OF THE TREATY IF THERE WERE NOT MAJOR CHANGES. THE MORE IMPORTANT POINT IS THAT WE AGREE WITH THEIR BASIC CRITICISMS, AND ARE DOING WHAT WE CAN TO CHANGE THE TEXT.

4. Q. A NUMBER OF COUNTRIES HAVE RAISED NATIONAL SECURITY CONCERNS REGARDING SCIENTIFIC RESEARCH. THEY ARGUE THAT THIS IS A MAJOR REASON FOR GIVING CONTROL TO THE COASTAL STATE. WOULD YOU COMMENT?

A. THEIR FEARS REGARDING SCIENTIFIC RESEARCH ARE UNFOUNDED. IN ANY CASE, THE ECONOMIC ZONE IS BASICALLY AN AREA OF ECONOMIC AND RESOURCE JURISDICTION, NOT A TERRITORIAL OR A SECURITY ZONE.

5. Q. DOES THE TEXT ON MARINE POLLUTION PROVIDE ADEQUATE PROTECTION FOR THE MARINE ENVIRONMENT?

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A. THIS WILL BE FIRST GLOBAL TREATY THAT SETS FORTH COMPREHENSIVE LEGAL RIGHTS AND DUTIES TO PROTECT THE MARINE ENVIRONMENT. THE TEXT IS NOT PERFECT, BUT DOES PROVIDE SIGNIFICANT ADDITIONAL PROTECTION. WE STILL HAVE SOME PROBLEMS WE ARE TRYING TO RESOLVE REGARDING PROVISIONS THAT UNDULY RESTRICT RIGHTS IN THE TERRITORIAL SEA. GIVEN THE WIDE RANGE OF INTERESTS INVOLVED, INCLUDING PROTECTION OF NAVIGATION, I THINK MOST OF THE TEXT IS A REASONABLE ONE AND WOULD BE A SUBSTANTIAL STEP FORWARD IN PROTECTING THE MARINE ENVIRONMENT.

V. DISPUTE SETTLEMENT QUESTIONS AND ANSWERS:

1. Q: WHY DOES THE U.S. ATTACH SUCH IMPORTANCE TO THE DISPUTE SETTLEMENT PROVISIONS OF A NEW LOS TREATY?

A: THE IMPORTANCE OF THE TREATY FOR ALL NATIONS
LIES IN ITS CAPACITY TO BRING ORDER TO THE
OCEANS. AGREEMENT SOON ON SUBSTANTIVE PROVISIONS
THAT ACCOMMODATE THE BASIC INTERESTS OF ALL
STATES IS ESSENTIAL. BUT IT IS INEVITABLE
THAT THERE WILL BE DIFFERENCES OF INTERPRETATION
AND APPLICATION OF THOSE PROVISIONS, AND THESE
DIFFERENCES COULD LEAD TO DISPUTES AND CONFLICT.
THE DELICATE ACCOMMODATIONS WE REACH COULD
UNRAVEL. IMPARTIAL AND OBLIGATORY DISPUTE
SETTLEMENT PROCEDURES LEADING TO FINAL AND
BINDING DECISIONS ARE NECESSARY TO ENSURE
CONSISTENCY AND BALANCE IN PRESERVING THE
ACCOMMODATIONS WE MAKE TODAY AND IN APPLYING
THEM TO DIFFERENT SITUATIONS. IF EACH NATION
IS FREE TO INTERPRET THE LAW AS IT SEES FIT,
THE HISTORY OF THE LAW OF THE SEA MAKES CLEAR
THAT THIS IS LIKELY TO HAPPEN WHETHER IT IS
INTERPRETING A TREATY OR GENERAL PRINCIPLES OF
INTERNATIONAL LAW.

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Message Attributes

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Decaption Date: 28 MAY 2004
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